

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA	§	
	§	No. 6:17CR39
v.	§	
	§	
HUGO PINEDA (05)	§	

ELEMENTS OF THE OFFENSE

COMES NOW, the United States of America, by and through the United States Attorney for the Eastern District of Texas, and files this pleading summarizing the elements of the offense to which the defendant intends to enter a plea of guilty to Count 11 of the indictment:

Title 21, United States Code, Section 841(a)(1), makes it a crime for anyone to knowingly or intentionally to manufacture or to possess a controlled substance with intent to manufacture or distribute it.

To establish that the defendant is guilty of Manufacture and Possession with Intent to Manufacture and Distribute 100 or more Marihuana Plants, the government must prove the following beyond a reasonable doubt:

First: That the defendant knowingly manufactured a controlled substance;

Second: That the substance was in fact marihuana; and

Third: That the quantity of the substance was at least 100 marihuana plants.

Or:

First: That the defendant knowingly possessed a controlled substance;

Second: That the substance was in fact marihuana;

Third: That the defendant possessed the substance with the intent to manufacture or distribute it; and

Fourth: That the quantity of the substance was at least 100 marihuana plants.

Respectfully submitted,

BRIT FEATHERSTON
ACTING U.S. ATTORNEY

/s/ Nathaniel C. Kummerfeld
NATHANIEL C. KUMMERFELD
Assistant United States Attorney
Texas Bar No. 24060122
110 N. College Ave., Ste. 700
Tyler, TX 75702
(903) 590-1400
(903) 590-1439 (fax)
Nathaniel.Kummerfeld@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Elements of the Offense was served on counsel of record for defendant via the court's CM/ECF on this the 27th day of November, 2017.

/s/ Nathaniel C. Kummerfeld
Nathaniel C. Kummerfeld